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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 \* \* \*

6 DAVID BUNDI,

7 Plaintiff,

8 v.

9 ROBERT STANLEY NORTON, ET AL.,

10 Defendants.

Case No. 2:19-cv-02049-KJD-DJA

11 **ORDER**

12 This matter is before the Court on Plaintiff's Motion for Leave to File Supplemental  
13 Complaint (ECF No. 8), filed on April 9, 2020. Plaintiff claims that additional actions were taken  
14 by Defendants that rise to the level of two new causes of action after the original complaint was  
15 filed, specifically, extortion and intentional infliction of emotional distress. He also argues that  
16 the post-pleading events are sufficiently related to the issues in the original complaint and  
17 Defendant would not be prejudiced as it was given leave to file counterclaims. Plaintiff's  
18 proposed supplemental filing is attached in ECF No. 8.

19 Defendants' response was due by April 23, 2020. To date, no response has been filed.  
20 Defendants' failure to file points and authorities in response to the motion "constitutes a consent  
21 to the granting of the motion." LR 7-2(d). Moreover, the Court finds good cause to grant the  
22 leave to amend the complaint to include the new claim. Rule 15(a)(2) of the Federal Rules of  
23 Civil Procedure, regarding the amendment of pleadings, directs that "[t]he court should freely  
24 give leave when justice so requires." The Ninth Circuit Court of Appeals has repeatedly  
25 cautioned courts in this circuit to "liberally allow a party to amend its pleading." *Sonoma Cnty.*  
26 *Ass'n of Ret. Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117 (9th Cir. 2013). "Courts may decline  
27 to grant leave to amend only if there is strong evidence of 'undue delay, bad faith or dilatory  
28 motive on the part of the movant, repeated failure to cure deficiencies by amendments previously

1 allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or  
2 futility of amendment, etc.’” *Id.* at 1117 (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

3 Amendment at this stage would be neither extraordinarily disruptive nor prejudicial to  
4 Defendants. In fact, the Court notes that the parties have yet to file a proposed discovery plan and  
5 scheduling order or engaged in discovery.

6 IT IS THEREFORE ORDERED that Plaintiff’s Motion for Leave to File Supplemental  
7 Complaint (ECF No. 8) is **granted**. Plaintiff their pleading as a First Amended Complaint on the  
8 docket and serve in on Defendants in accordance with LR 15-1.

9 DATED: April 24, 2020.



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE